

EXHIBIT 9



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

Linda Singer
Licensed in DC, NY
direct: 202.386.9626
lsinger@motleyrice.com

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VIA ELECTRONIC MAIL

Kelly Phipps
Trial Attorney
U.S. Department of Justice, Civil Division
Commercial Litigation Branch, Fraud Section
Three Constitution Square
175 N Street, NE
Washington, DC 20002
Kelly.E.Phipps@usdoj.gov

Counsel:

In preparing for trial in Track Two of MDL 2804, we noted a potential inconsistency in the testimony of Tom Prevoznik as the DEA's 30b6 witness. In response to questioning by counsel for Plaintiffs, Mr. Prevoznik testified for the DEA that, once a distributor identifies a suspicious order for a customer, the distributor should not ship future controlled substance orders for that customer unless and until the distributor allays the basis for its suspicion. At the end of his examination, in response to questions from Distributors' counsel, Mr. Prevoznik testified that a distributor could make a business judgment as to whether to ship future orders for that customer.

Plaintiffs believe that the Court would benefit from a clear statement of DEA's position on this key issue. Plaintiffs can serve a trial subpoena and Touhy on the DEA for the limited purpose of seeking testimony on this point (recognizing that Mr. Prevoznik already testified for three full days of deposition in Track One). Alternatively, Plaintiffs request that the DEA provide a letter to the Court and parties clarifying the DEA's prior testimony by setting forth the DEA's position as to the following question: (a) does a registrant that continues to ship opioids to a customer after identifying one or more suspicious orders of opioids from that customer maintain effective controls against diversion or (b) does the registrant first have to dispel the basis of its suspicion before shipping any future orders of opioids to that customer?

We are available to discuss this issue at your earliest convenience. With the trial beginning of October 19th, we would appreciate a prompt response to this request.

Sincerely,

/s/ Linda Singer

cc: CT 2 Defendants' Counsel, Track2OpioidDefendants@reedsmith.com
Paul T. Farrell, Jr., paul@farrell.law
Linda Singer, lsinger@motleyrice.com
Anne Kearse, akearse@motleyrice.com
Natalie Deyneka, ndeyneka@motleyrice.com
David Sobotkin, David.M.Sobotkin@usdoj.gov
Jonathan Hoerner, Jonathan.K.Hoerner@usdoj.gov